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TAGS: [PREF](#) [PGOV](#) [PREL](#) [UNMIK](#) [YI](#)  
SUBJECT: KOSOVO: PROTOCOL ON RETURN WITH SERBIA SIGNED AND  
SEALED, BUT RETURNS REMAIN IN DOUBT

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Sensitive, But Unclassified; Please Protect Accordingly

11. (SBU) SUMMARY: After almost two years of negotiations, the Provisional Institutions of Self Government in Kosovo (PISG), the Government of Serbia and UNMIK signed a Protocol on Voluntary and Sustainable Return on June 6, 2006. UNMIK pressed hard to get the protocol signed before SRSG Soren Jessen-Petersen's June 20 report to the U.N. Security Council. Despite the relatively low official ranks of the signatories, the protocol is significant because it marks the first PISG agreement to facilitate resettlement in places other than place of origin. The final document contains language safeguarding against the creation of new politically-motivated ethnic enclaves. END SUMMARY.

12. (U) On June 6, SRSG Soren Jessen-Petersen joined Belgrade and Pristina representatives in signing a Protocol on Voluntary and Sustainable Return. The protocol, negotiated over the past two years, was finally hammered out on the margins of the May 23 meeting in Vienna on cultural heritage and approved by the Kosovo government on May 31. The two main sticking points had always been what kind of provision would be made for returns by Serbs to other than their place of origin in Kosovo and what entity would sign the agreement (UNMIK or the PISG) and at what level.

13. (SBU) Kosovo chief negotiator Dardan Gashi, an advisor to Deputy Prime Minister Lutfi Haziri, told visiting RefCoord on June 5 that the protocol breaks new ground by committing the PISG to providing assistance for the return of Serbs and other minorities currently in Serbia to other than their place of origin in Kosovo. Gashi signed the document on behalf of the PISG and Milorad Todorovic -- the former PISG returns advisor who is now deputy head of the Belgrade-based Coordination Center for Kosovo and Metohija (CCK) -- signed on behalf of the Government of Serbia. Minister for Communities and Returns Slavisa Petkovic was critical of both Pristina and Belgrade officials for having the protocol's negotiators sign on behalf of the two governments. He told

RefCoord on June 1 that as the Kosovo government minister responsible for returns, he should sign the protocol or it would be a "worthless political document," and was reportedly annoyed Gashi and Todorovic eventually signed it.

14. (SBU) The six-page agreement does include language on which Pristina insisted that could prevent large, organized returns to Serb enclaves that could otherwise be orchestrated by the CCK to concentrate Kosovo's Serb minority. The protocol provides that internally displaced persons may settle or locally integrate in "freely chosen alternative places within Kosovo" but that the decision to pursue alternative solutions to return must be "taken truly voluntarily, on an individual basis and without any pressure." It also contains a provision whereby the parties to the protocol (UNMIK and the governments of both Kosovo and Serbia) "will not impact negatively on efforts to create conditions for allowing those internally displaced who continue to wish to return voluntarily to their homes to do so." While aimed primarily at the Kosovo government, this provision could also be construed as a restriction on CCK efforts to convince returnees to eschew return to their place of origin in favor of majority Serb areas.

15. (SBU) COMMENT: The signing of the protocol, even by working-level officials, is a step forward in coordination between the two governments. It occurred in the midst of difficult final status talks and is certainly a plus for SRSG Jessen-Petersen as he prepares to brief the UNSC on Kosovo June 20. Jessen-Petersen noted in his June 12 press conference, at which he announced his resignation as SRSG effective June 30, that he regretted not having been able to do enough to return internally displaced Serbs to Kosovo, but hoped that the new protocol will result in progress. Although the protocol allows for return to other than place of origin, the Kosovo government has already included provisions in its proposed returns strategy that would limit

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its assistance to returns to secondary residences or to land owned before January 1, 2006. The Kosovo government is betting that Belgrade does not have the staying-power or the money to engineer the type of organized returns to contiguous Serb enclaves that Pristina fears. END COMMENT.

16. (U) U.S. Office Pristina clears this cable for release in its entirety to U.S. Special Envoy for Kosovo Martti Ahtisaari.  
GOLDBERG